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EXAMINER

BORISSOV, IGOR N

ART UNIT

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GRIGOR MARKARIAN, RAMADURAI VAIDYANATHAN,  
ARUN AHUJA, ALBERT COHEN, and ANAND TATA

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Appeal 2009-004945  
Application 10/028,718  
Technology Center 3600

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Decided: March 26, 2010

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Before HUBERT C. LORIN, JOSEPH A. FISCHETTI, and BIBHU R.  
MOHANTY, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appeal 2009-004945  
Application 10/028,718

This is decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 12, 14-18, which are all of the claims pending in the above-identified application. We have jurisdiction pursuant to 35 U.S.C. § 6.

#### STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 12 and 14-18. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Claim 12 reproduced below, is representative of the subject matter on appeal.

12. A method for conducting mobile commerce comprising:  
transmitting in a first language a request message for merchant website information from a mobile device;  
receiving the request message in the first language at a platform and identifying the first language;  
translating the request message at the platform from the first language to a second language that is recognizable by a merchant website;  
communicating the translated request message in the second language from the platform to the merchant website;  
receiving at the platform the requested merchant website information from the merchant website in the second language;  
recognizing the second language at the platform;  
parsing the requested merchant website information in the second language into translatable pieces;  
translating the translatable pieces of the requested website information into the first language so as to form a reply message containing the requested merchant website information in the first language; and

transmitting the reply message to the mobile device;  
transmitting a purchase request in response to the reply message  
in a first language to the platform;  
receiving the purchase request in the first language at a platform  
and identifying the first language;  
translating the purchase request at the platform from the first  
language to a second language that is recognizable by the  
merchant website;  
communicating the translated purchase request in the second  
language from the platform to the merchant website;  
receiving at the platform a purchase request response from the  
merchant website in the second language, wherein the purchase  
request response includes a payment authorization request;  
forwarding the purchase request response in the second  
language from the platform to a payment authorization system  
for a payment authorization response;  
receiving at the platform, the purchase request response,  
including the payment authorization response, in the second  
language from the payment authorization system;  
parsing the purchase request response in the second language  
into translatable pieces;  
translating the translatable pieces of the purchase request  
response into the first language so as to form a purchase request  
response in the first language; and  
transmitting the purchase request response in the first language  
to the mobile device.

The Examiner relies upon the following as evidence of  
unpatentability:

Bednarek	US 6,965,868	Nov. 15, 2005
Wharton	US 2005/0027610 A1	Feb. 3, 2005

The Examiner rejected claims 12 and 14-18 under 35 U.S.C. 103(a) as

being unpatentable over Wharton and Bednarek.

We begin by stating we agree with the Examiner that Bednarek discloses using a mobile exchange as a platform which links a user to a merchant's site. Bednarek discloses data pertaining to each merchant must be stored in a format or converted by the server to a format that can be sent over the cellular network and displayed on the user's personal communication device. See Bednarek, col. 68, ll. 62-67, col. 69, ll. 5-8. Thus, Bednarek discloses a first format or language which allows linking between a mobile device and the mobile exchange or platform and a second format or language which links a merchant site and the mobile exchange.

However, each of independent claims 12 and 18 further require *receiving at the platform a purchase request response from the merchant website in the second language, wherein the purchase request response includes a payment authorization request;*  
*forwarding the purchase request response in the second language from the platform to a payment authorization system for a payment authorization response;*  
*receiving at the platform, the purchase request response, including the payment authorization response, in the second language from the payment authorization system.*

Wharton discloses to the contrary in that: “[w]hen the customer is done shopping at a particular vendor commerce system, a local checkout step is performed 78, in which one or more transaction packets 44 are

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constructed at the vendor commerce system and then transmitted over the network 30 to the ICC transaction processor 12, where this information is stored in the global shopping basket 14 at step 80.” (§ [0039]). Thus, in Wharton, the merchant request does not go through the platform (read by the Examiner as the portal 32 (Answer 6)) to get to the payment authorization system, but rather goes directly to the ICC processor which is the equivalent of the claimed payment authorization system. The Examiner has not explained nor is it apparent from either Wharton or Bednarek how such a difference would be obvious in light of the networks proposed by these references. Accordingly, we cannot sustain the rejection of claims 12 and 18 under 35 U.S.C. § 103(a).

Since claims 14-17 depend from claim 12, and since we cannot sustain the rejection of claim 12, the rejection of claims 14-17 likewise cannot be sustained.

The decision of the Examiner to reject claims 12, 14-18 is  
REVERSED.

REVERSED

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